

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 10, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

KEVIN P. MCLEAN,

Plaintiff,

v.

BENTON COUNTY, CITY OF
SUNNYSIDE, ROBERT GUERRERO,
KASEY KIST, ROBERT LAYMAN,
ALBERT ESCALARA, SCOTT
BAILEY, JOHNNIE GUSBIE, DOES
1-10,

Defendants.

No. 2:23-CV-290-MKD

ORDER ON STIPULATED MOTION
TO DISMISS CERTAIN
DEFENDANTS

ECF Nos. 46, 50

Before the Court is the Parties' Stipulated Motion to Dismiss Certain Defendants. ECF No. 50. Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) and LCivR 41(a)(1)(B), the Parties stipulate and agree to the dismissal without prejudice and without an award of fees or costs to all claims and counterclaims asserted in this action by and between Plaintiff and the following Defendants: Benton County,

1 Robert Guerrero, Kasey Kist, Robert Layman, Albert Escalara, Scott Bailey, and
2 Johnnie Gusbie. The stipulation is signed by all Parties.

3 Accordingly, **IT IS HEREBY ORDERED:**

4 1. Plaintiff's claims asserted against Defendants Benton County, Robert
5 Guerrero, Kasey Kist, Robert Layman, Albert Escalara, Scott Bailey,
6 and Johnnie Gusbie are **DISMISSED** without prejudice and without an
7 award of attorney's fees or costs to any party.

8 2. Defendants Benton County, Robert Guerrero, and Kasey Kist's Motion
9 for Summary Judgment, **ECF No. 46**, is **DENIED as moot**.

10 **IT IS SO ORDERED.** The Clerk of Court is **DIRECTED** to enter this
11 Order, update the case caption accordingly, and provide a copy to the parties.

12 DATED September 10, 2024.

13 s/Mary K. Dimke
14 MARY K. DIMKE
15 UNITED STATES DISTRICT JUDGE
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